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**For Department of State Use Only**

Sequence Number: 04-15-13  
Rule ID(s): 5477  
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Effective Date: 7/25/13

# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205*

<b>Agency/Board/Commission:</b>	Tennessee Fish and Wildlife Commission
<b>Division:</b>	Boating and Law Enforcement
<b>Contact Person:</b>	Lisa Crawford
<b>Address:</b>	PO Box 40747, Nashville, TN
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<b>Phone:</b>	615-781-6606
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**Revision Type (check all that apply):**

- ☒ Amendment  
☐ New  
☒ Repeal

**Rule(s) Revised** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1660-02-07	Rules and Regulations Governing Operation of Vessels
Rule Number	Rule Title
1660-02-07-.03	Chilhowee Lake
1660-02-07-.04	Old Hickory Lake
1660-02-07-.06	Pickwick Lake
1660-02-07-.07	Center Hill Lake
1660-02-07-.09	Watauga Lake
1660-02-07-.10	Tims Ford Lake
1660-07-02-.11	Special Areas
1660-02-07-.19	Nickajack Reservoir
1660-02-07-.25	Cherokee Reservoir (Cherokee Dam)
1660-02-07-.26	Melton Hill Reservoir
1660-02-07-.32	Cordell Hull Lake
1660-02-07-.35	Wolf River

Chapter 1660-02-07  
Rules and Regulations Governing Operation of Vessels

Repeal

1660-02-07-.03 CHILHOWEE LAKE, is hereby repealed in its entirety

*Authority: T.C.A. §70-1-206. Administrative History: Original rule certified May 8, 1974.*

#### Amendment

1660-02-07-.04 OLD HICKORY LAKE, is hereby amended by making name corrections, adding prohibited towing devices, and adding 12 zones that are currently marked public access areas, so that, as amended, the rule shall read:

- (1) Vessels are prohibited in the Old Hickory Beach Swimming Area located on the southwest side of Old Hickory Lake in the cove nearest the dam and delineated by a line of informational buoys.
- (2) Vessels being operated in the cove adjacent to and south of the Old Hickory Beach Swimming Area shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (3) Vessels being operated in the cove adjacent to the Rockland Day Use Area which is located near Old Hickory Dam and Lock in Sumner County and delineated by a line of informational buoys shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (4) Vessels being operated on Old Hickory Lake within the area, as delineated by a line of informational buoys, adjacent to Walton's Ferry Access in Sumner County near River Mile 220.8, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (5) Vessels being operated on Old Hickory Lake in the portion of Shutes Branch known as Langfords Cove, south of the highway bridge and the area adjacent to Shutes Branch Recreation Area, both as delineated by informational buoys, in Wilson County, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (6) Unauthorized vessels are prohibited from entering that designated area adjacent to the DuPont Loading Dock located at River Mile 218.
- (7) Vessels being operated on Old Hickory Lake within the Laguardo Recreation Area in Spencer Creek (River Mile 236) shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
  - (c) Vessels are prohibited in the swimming area.

- (8) Vessels being operated on Old Hickory Lake in the area known as Fetherling Cove located at River Mile 218.5 in Sumner County and delineated by informational buoys shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (9) Vessels being operated on Old Hickory Lake within the area adjacent to the Lock 3 Access in Sumner County near River Mile 218, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
  - (c) Vessels are prohibited in the swimming area.
- (10) Vessels being operated on Old Hickory Lake within the area adjacent to the Sanders Ferry Park Access in Sumner County near River Mile 222, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (11) Vessels being operated on Old Hickory Lake within the area adjacent to the Mallard Point Access located in Drakes Creek in Sumner County, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (12) Vessels being operated on Old Hickory Lake within the area adjacent to the Stark Knob Access in Sumner County near River Mile 225.5, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (13) Vessels being operated on Old Hickory Lake within the area adjacent to the Saundersville Access in Sumner County near River Mile 228.2, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (14) Vessels being operated on Old Hickory Lake within the area adjacent to the Avondale Access in Sumner County near River Mile 229.4, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.

- (15) Vessels being operated on Old Hickory Lake within the area adjacent to the Cages Bend Campground Access in Sumner County near River Mile 234, as delineated by a line of informational buoys, shall be operated as follows:
- (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (16) Vessels being operated on Old Hickory Lake within the area adjacent to the Station Camp Access located in West Fork Station Camp Creek in Sumner County, as delineated by a line of informational buoys, shall be operated as follows:
- (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (17) Vessels being operated on Old Hickory Lake within the area adjacent to the Bull Creek Access in Sumner County near River Mile 239.6, as delineated by a line of informational buoys, shall be operated as follows:
- (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (18) Vessels being operated on Old Hickory Lake within the area adjacent to the Lone Branch Access located in Cedar Creek in Wilson County, as delineated by a line of informational buoys, shall be operated as follows:
- (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (19) Vessels being operated on Old Hickory Lake within the area adjacent to the Cedar Creek Campground Access located in Cedar Creek in Wilson County, as delineated by a line of informational buoys, shall be operated as follows:
- (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
  - (c) Vessels are prohibited in the swimming area.
- (20) Vessels being operated on Old Hickory Lake within the area adjacent to the Burton Road Access located in Spencer Creek in Wilson County, as delineated by a line of informational buoys, shall be operated as follows:
- (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.

*Authority: T.C.A. §69-9-209. Administrative History: Original rule certified May 8, 1974. Amendment filed May 28, 1975; effective June 28, 1997. Amendment filed February 6, 1978; effective March 8, 1978. Amendment filed July 2, 1979; effective August 16, 1979. Amendment filed August 1, 1990; effective September 15, 1990.*

#### Amendment

1660-02-07-.06 PICKWICK LAKE, is hereby amended by adding inner tube as a prohibited device and making language changes for consistency. The amended rule shall read as follows:

- (1) Vessels being operated on Pickwick Lake within the Winn Springs Cove area, as delineated by a line of informational buoys, near River Mile 214 in Hardin County, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (2) Vessels being operated within Slate Rock Creek, Sulphur Creek, and Caney Creek, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.

*Authority: T.C.A. §§70-1-206 and 69-10-209. Administrative History: Original rule certified May 8, 1974. Amendment filed May 28, 1975; effective June 28, 1975. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed October 4, 1989; effective November 18, 1989.*

#### Amendment

1660-02-07-.07 CENTER HILL LAKE, is hereby amended by adding inner tube as a prohibited device and making language changes for consistency. The amended rule shall read as follows:

- (1) Vessels being operated on Center Hill Reservoir within the Floating Mill Park Recreation Area as delineated by a line of informational buoys shall be operated, as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar devices.
- (2) Vessels being operated on Center Hill Lake within the area adjacent to Sand Beach, Rock Island State Park, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar devices.
- (3) Vessels being operated on Center Hill Lake within the Ragland Bottom, Johnson Chapel, and Hurricane Bridge Recreation Areas, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar devices.

*Authority: T.C.A. §70-1-206 and 69-9-209. Administrative History: Original rule certified May 8, 1974. Amendment filed July 9, 1978; effective July 10, 1978. Amendment filed October 4, 1989; effective November 18, 1989.*

#### Amendment

1660-02-07-.09 WATAUGA LAKE, is hereby amended by deleting one zone where an access area is no longer used and adding inner tube as a prohibited device. The amended rule shall read as follows:

- (1) All vessels are prohibited from U.S. Forest Service Watauga Point Recreation Swim Area (WRM 40.1L) and U.S. Forest Service Shook Branch Swim Area (WRM 37L) as delineated by line of "No Boating" buoys.

- (2) Vessels being operated on Watauga Reservoir at U. S. Forest Service's Rat Branch Boat Ramp (WRM 37.0L) as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.

*Authority: T.C.A. §§69-9-209 and 70-1-206. Administrative History: Original rule certified May 8, 1974. Amendment filed October 21, 1991; effective December 5, 1991. Amendment filed August 10, 1995; effective October 24, 1995. Amendment filed January 5, 2001; effective March 22, 2001.*

#### Amendment

1660-02-07-.10 TIMS FORD LAKE, is hereby amended by adding inner tube as a prohibited device and making language changes for consistency. One zone was deleted. The amended rule shall read as follows:

- (1) Vessels being operated on Tims Ford Lake within a portion of Hasty Hollow Cove and Tennessee Elk River Development Association's Campground Cove (River Mile 153), as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (2) Vessels being operated within Travis Hollow at River Mile 140 on Tims Ford Reservoir, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow – No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (3) Vessels being operated in an area delineated by signs and/or buoys near the mouth of Rock Creek and Elk River Mile 162 shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow – No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices within the "Slow—No Wake" area.
- (4) Vessels are prohibited in the swimming area located in the Dry Creek embayment adjacent to the Highway 50 bridge.
- (5) Vessels being operated on Tims Ford Lake in the Dry Creek section which is located adjacent to State Highway 50 in Franklin County and delineated by informational buoys shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (6) Vessels being operated on Tims Ford Lake in Boiling Fork Creek near the State Highway 130 bridge as delineated by signs and/or buoys shall be operated as follows:
  - (a) Vessels shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (7) Vessels being operated in the area delineated by signs and/or buoys at the Tims Ford Reservation access ramp, Elk River mile 133.6L shall operate as follows:

- (a) Vessels shall operate at a "Slow - No Wake" speed.
- (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices within the "Slow—No Wake" area.

*Authority: T.C.A. §§69-9-209 and 70-1-206. Administrative History. Original rule certified May 8, 1974. Amendment filed November 4, 1976; effective December 4, 1976. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed June 11, 1981; effective July 27, 1981. Amendment filed July 12, 1985; effective August 11, 1985. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed August 29, 1990; effective October 13, 1990. Amendment filed August 9, 1993; effective October 23, 1993. Amendment filed March 10, 1995; effective May 24, 1995.*

#### Amendment

1660-02-07-.11 SPECIAL AREAS, is hereby amended by adding prohibited devices on Great Falls Reservoir and making spelling corrections. The amended rule reads as follows:

- (1) All motorboats being operated within 300 feet of a commercial dock or marina shall be operated at a "slow, no-wake speed" unless otherwise marked and approved under Rule 1660-2-6-.01, or a specific rule and regulation.
  - (a) The measurement shall be made from the last structure associated with the dock or marina except as noted above.
  - (b) For this rule, a commercial marina is defined as any permanent facility accessible by boat which:
    - 1. offers goods or services to the general public in exchange for currency or other consideration,
    - 2. has a valid business license, if required, and a Tennessee Tax Identification number,
    - 3. is permitted by the U.S. Corps of Engineers, and the Tennessee Valley Authority if applicable, as a commercial boat dock or marina.
- (2) No person shall operate or use any vessel, within the area designated and appropriately marked as a hazardous area, below any dam and/or lock unless each person aboard is wearing a U. S. Coast Guard approved flotation device, Type I, Type II, Type III or Type V.
  - (a) This regulation is not intended to affect regulations promulgated by other governmental agencies, federal or state, related to activities that may or may not be conducted within said hazardous area.
- (3) Vessels being operated within 300 yards of the Tennessee Wildlife Resources Agency access ramp on Indian Creek will be operated at a "Slow—No Wake" speed.
- (4) Vessels being operated on Deer Creek located at River Mile 125 on Kentucky Lake shall operate at a "Slow—No Wake" speed within the embayment area.
- (5) Motorboats being operated on Great Falls Reservoir in the Rocky River Embayment from its mouth upstream shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (6) Vessels being operated on Crooked Creek located at River Mile 121.5 on Kentucky Lake shall operate at a "Slow—No Wake" speed from the mouth of the Tennessee River to the Crooked Creek embayment.

- (7) Vessels being operated within the buoyed area in Eagle Creek located at river mile 1 on the Big Sandy River, from a point east of Big Eagle picnic area, west to the west boundary of Buchanan's boat dock, shall operate at a "Slow—No Wake" speed.

*Authority: T.C.A. §§70-1-206 and 69-9-209. Administrative History: Original rule certified May 8, 1974. Amendment filed November 20, 1975; effective December 20, 1975. Amendment filed November 4, 1976; effective December 4, 1976. Amendment filed June 8, 1977; effective July 8, 1977. Amendment filed February 6, 1978; effective March 8, 1978. Amendment filed April 20, 1988; effective June 4, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed January 28, 2002; effective April 13, 2002. Amendment filed April 26, 2004; effective July 10, 2004.*

#### Amendment

1660-02-07-.19 NICKAJACK RESERVOIR, is hereby amended by adding prohibited devices. The amended rule shall read as follows:

- (1) All vessels utilizing Nickajack Reservoir in an area around Nickajack Cave Bridge, as delineated by buoys and/or signs, shall operate at a "Slow—No Wake" speed and shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (2) All vessels being operated within the sites delineated by informational buoys and/or signs, described below shall be operated at a "Slow—No Wake" speed and shall not tow a person on water skis, surfboard, inner tube or similar devices.
  - (a) Site #1—Maple View Public Use Area located on the south bank of the reservoir at approximately Tennessee River Mile 425.
  - (b) Site #2—Running Water Bridge under Highway 156 located at approximately Tennessee River Mile 419.5.
  - (c) Site #3—Shellmound Recreation Area beach, boat ramp and pier located on the north bank of the reservoir at approximately Tennessee River Mile 425.5.
  - (d) Site #4—Marion County Park boat ramp located between Hwy. 41 and Interstate 24 on the north bank of the reservoir at approximately Tennessee River Mile 429.

*Authority: T.C.A. §§70-1-206 and 69-9-209. Administrative History: Original rule filed April 9, 1984; effective May 9, 1984. Amendment filed May 11, 1990; effective June 25, 1990.*

#### Amendment

1660-02-07-.25 CHEROKEE RESERVOIR (CHEROKEE DAM) is hereby amended by deleting one zone that is no longer necessary to protect property and by adding inner tube as a prohibited device. The amended rule shall read as follows:

- (1) Vessels being operated on Cherokee Reservoir at Cherokee Dam, within the cove delineated by a line of informational buoys and signs, in Jefferson County, shall operate as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow persons on water skis, surfboards, inner tube, or similar devices.
- (2) All vessels are prohibited in the TVA Swimming Area at Cherokee Dam Reservation Beach (HRM 53.2L) as delineated by a line of "No Boating" buoys.

*Authority: T.C.A. §70-1-206. Administrative History: Original rule filed May 11, 1990; effective June 25, 1990. Amendment filed October 21, 1991; effective December 5, 1991.*



#### Amendment

1660-02-07-.26 MELTON HILL RESERVOIR, is hereby amended by adding prohibited devices and making a spelling correction. The amended rule shall read as follows:

- (1) All vessels are prohibited in the TVA Swimming Area at Melton Hill Reservoir Beach (CRM 23.5L) as delineated by a line of "No Boating" buoys.
- (2) Vessels being operated on Melton Hill Lake at Melton Hill Dam Boat Ramp (CRM 23.4L) as delineated by a line of information buoys shall operate as follows:
  - (a) Motorboats shall operate at a "Slow – No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (3) All vessels are prohibited from Clark Center Recreation Park Swimming Beach (CRM 37.5R) as delineated by a line of "No Boating" buoys.
- (4) Vessels being operated on Melton Hill Reservoir at Clark Center Recreation Park (CRM 37.5R) as delineated by a line of informational buoys or signs, shall operate at a "Slow—No Wake" speed. Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar devices.

*Authority: T.C.A. §§69-9-209 and 70-1-206. Administrative History: Original rule filed October 21, 1991; effective December 5, 1991. Amendment filed March 10, 1995; effective May 24, 1995.*

#### Amendment

1660-02-07-.32 CORDELL HULL LAKE, is hereby amended by adding five (5) zones that are currently marked public access areas. The amended rule reads as follows:

- (1) All motorboats being operated within 75 feet either side of the bridge on Tennessee State Highway 53 just west of the Jackson-Smith County Line at the mouth of Dillard Creek (a.k.a. Indian Creek), Cumberland River Mile (CRM) 331.5 as designated by a line of buoys shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar devices.
- (2) Vessels being operated near the cove adjacent to the Defeated Creek Campground which is located near the mouth of Defeated Creek on Cordell Hull Reservoir and delineated by a line of informational buoys at CRM 316.8 shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar devices.
- (3) Vessels being operated near the area known as Defeated Creek Day Use area and ramp as delineated by a line of informational buoys located at Defeated Creek River Mile (DCRM) 2.0 shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar devices.
- (4) Vessels being operated near the Indian Creek Campground and ramp located 1.5 miles upstream from the Hwy 53 bridge as delineated by a line of informational buoys shall be operated as follows:

- (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar devices.
- (5) Vessels being operated near the Salt Lick Campground located approximately 1.0 mile upstream from the confluence of Salt Lick Creek and Cumberland River, CRM 337.6, and delineated by a line of informational buoys shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar devices.
- (6) Vessels being operated on Cordell Hull Lake in the portion of Flynn's Lick Creek adjacent to Camp Discovery, as delineated by a line of buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar devices.

*Authority: T.C.A. §§70-1-206 and 69-9-209. Administrative History: Original rule filed April 29, 1996; effective July 8, 1996.*

#### Amendment

1660-02-07-.35 WOLF RIVER EMBAYMENT (Mud Island Harbor), is hereby amended by a name change and adding prohibited devices. The amended rule reads as follows:

- (1) All vessels operating in that portion of the Wolf River from the mouth (WRM 0) upstream to the Interstate 40 bridge, as delineated by signs or buoys, shall operate at a "Slow-No Wake" speed and shall not tow a person on water skis, surfboard, inner tube or similar devices.

*Authority: T.C.A. Sections 70-1-206 and 69-9-209. Administrative History: Original rule filed January 5, 2001; effective March 22, 2001.*

\* If a roll-call vote was necessary, the vote by the Commission on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent
William L. Brown	✓			
Jim Bledsoe	✓			
Harold Cannon				✓
Bill Cox	✓			
Jeffrey H. Griggs	✓			
Jeff McMillin	✓			
Tom Rice				✓
Jim Ripley				✓
Julie Schuster	✓			
Clayton Stout	✓			
James Stroud	✓			
Trey Teague	✓			
Jamie Woodson	✓			

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish and Wildlife Commission on 02/15/2013 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 12/21/2012

Rulemaking Hearing(s) Conducted on: (add more dates). 02/15/2013

Date: 2-21-13

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director



Subscribed and sworn to before me on: 2-21-13

Notary Public Signature: Lisa Crawford

My commission expires on: 5-5-15

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.  
Attorney General and Reporter  
4-17-13  
Date

**Department of State Use Only**

Filed with the Department of State on: 4/26/13

Effective on: 7/25/13

Tre Hargett  
Tre Hargett  
Secretary of State

RECEIVED  
2013 APR 26 AM 11:56  
CLERK  
SECRETARY OF STATE

## Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

RULE: 1660-.02-.07

New	<u>      </u>
Amendment	<u>  X  </u>
Repeal	<u>  X  </u>

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☒ There were no public comments to the above-described rule.

☐ Attached hereto are the responses to public comments.

## **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule;

The Commission does not anticipate significant impact to small businesses in Tennessee.

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

The Commission anticipates no record keeping associated with this rule.

(3) A statement of the probable effect on impacted small businesses and consumers;

The Commission anticipates no probable effect to small businesses.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business;

The Commission is unaware of alternatives to the proposed rule and does not believe the rule as proposed would be burdensome to small businesses.

(5) A comparison of the proposed rule with any federal or state counterparts; and

The Commission is unaware of federal or state counterparts to this rule.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

The Commission anticipates no probable effect to small businesses and exemptions to this rule would likely not be beneficial.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

Will passage of this rule have a projected financial impact on local governments?

The Commission is not aware of any projected financial impacts on local governments.

Please describe the increase in expenditures or decrease in revenues:

None.

## **Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The rule updates changes in no-wake zones relative to vessel operations that have occurred since the rule was last amended. Some zones have been added to the rule that are public facilities and have been previously marked by buoys or signs by the U.S. Army Corps of Engineers. Some zones were deleted that are no longer necessary to protect property. Language was added to some zones to make them more consistent within the body of water.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

TCA §69-9-209 grants authority to the Tennessee Fish and Wildlife Commission (TFWC) to promulgate rules and regulations governing the operations of vessels.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Persons operating vessels in the zoned areas will be most affected. These areas are already marked as zones and minor changes are being made to some of the zones, so they should be affected only minimally.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

We are not aware of any opinions of the attorney general or any judicial ruling that directly relate to this rule.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The impact to state government revenues and expenditures is minimal.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Glenn Moates, Assistant Chief of Boating and Law Enforcement Division, possesses substantial knowledge and understanding of this rule. Glenn.Moates@tn.gov

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Nat Johnson, TWRA Assistant Executive Director, will explain the rule at the scheduled meeting of the Government Operations Committee.

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Nat Johnson, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 781-6555, Nat.Johnson@tn.gov

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.



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Sequence Number: \_\_\_\_\_  
Rule ID(s): \_\_\_\_\_  
File Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205*

<b>Agency/Board/Commission:</b>	Tennessee Fish and Wildlife Commission
<b>Division:</b>	Boating and Law Enforcement
<b>Contact Person:</b>	Lisa Crawford
<b>Address:</b>	PO Box 40747, Nashville, TN
<b>Zip:</b>	37204
<b>Phone:</b>	615-781-6606
<b>Email:</b>	Lisa.Crawford@tn.gov

**Revision Type (check all that apply):**

- ☒ Amendment  
☐ New  
☒ Repeal

**Rule(s) Revised** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1660-02-07	Rules and Regulations Governing Operation of Vessels
Rule Number	Rule Title
1660-02-07-.03	Chilhowee Lake
1660-02-07-.04	Old Hickory Lake
1660-02-07-.06	Pickwick Lake
1660-02-07-.07	Center Hill Lake
1660-02-07-.09	Watauga Lake
1660-02-07-.10	Tims Ford Lake
1660-07-02-.11	Special Areas
1660-02-07-.19	Nickajack Reservoir
1660-02-07-.25	Cherokee Reservoir (Cherokee Dam)
1660-02-07-.26	Melton Hill Reservoir
1660-02-07-.32	Cordell Hull Lake
1660-02-07-.35	Wolf River

Chapter 1660-02-07  
Rules and Regulations Governing Operation of Vessels

Repeal

1660-02-07-.03 CHILHOWEE LAKE, is hereby repealed in its entirety

~~1660-02-07-.03 CHILHOWEE LAKE. All motorboats being operated on that portion of Chilhowee Lake which lies from River Mile 38 as designated by signs shall be operated subject to the following provisions:~~

- ~~(1) Motorboats shall not exceed five (5) miles per hour.~~
- ~~(2) Motorboats shall not tow a person on water skis, surfboard or similar devices.~~

*Authority: T.C.A. §70-1-206. Administrative History: Original rule certified May 8, 1974.*

Amendment

1660-02-07-.04 OLD HICKORY LAKE. Is hereby amended by name corrections, adding prohibited towing devices, and adding 12 zones that are currently marked public access areas that are not listed in the rule. As amended the rule shall read:

- (1) Vessels are prohibited in the ~~Metro-Nashville Park~~ Old Hickory Beach Swimming Area located on the southwest side of Old Hickory Lake in cove nearest the dam and delineated by a line of informational buoys.
- (2) Vessels being operated in the cove adjacent to and south of ~~the area~~ Old Hickory Beach Swimming Area shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (3) Vessels being operated in the cove adjacent to the Rockland Day Use Area which is located near Old Hickory Dam and Lock in Sumner County and delineated by a line of informational buoys shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (4) Vessels being operated on Old Hickory Lake within the area, as delineated by a line of informational buoys, adjacent to Walton's Ferry Access in Sumner County near River Mile 220.8, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (5) Vessels being operated on Old Hickory Lake in the portion of Shutes Branch known as Langfords Cove, south of the highway bridge and the area adjacent to Shutes Branch Recreation Area, both as delineated by informational buoys, in Wilson County, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (6) Unauthorized vessels are prohibited from entering that designated area adjacent to the DuPont Loading Dock located at River Mile 218.
- (7) Vessels being operated on Old Hickory Lake within the Laguardo Recreation Area in Spencer Creek (River Mile 236) shall ~~operate at a "Slow—No Wake" speed.~~ be operated as follows:
  - (a) Motorboats shall operate at a "Slow – No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.

- (c) Vessels are prohibited in the swimming area
- (8) Vessels being operated on Old Hickory Lake in the area known as Fetherling Cove located at River Mile 218.5 in Sumner County and delineated by informational buoys shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (9) Vessels being operated on Old Hickory Lake within the area adjacent to the Lock 3 Access in Sumner County near River Mile 218, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
  - (c) Vessels are prohibited in the swimming area
- (10) Vessels being operated on Old Hickory Lake within the area adjacent to the Sanders Ferry Park Access in Sumner County near River Mile 222, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (11) Vessels being operated on Old Hickory Lake within the area adjacent to the Mallard Point Access located in Drakes Creek in Sumner County, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (12) Vessels being operated on Old Hickory Lake within the area adjacent to the Stark Knob Access in Sumner County near River Mile 225.5, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (13) Vessels being operated on Old Hickory Lake within the area adjacent to the Saundersville Access in Sumner County near River Mile 228.2, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (14) Vessels being operated on Old Hickory Lake within the area adjacent to the Avondale Access in Sumner County near River Mile 229.4, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.

- (15) Vessels being operated on Old Hickory Lake within the area adjacent to the Cages Bend Campground Access in Sumner County near River Mile 234, as delineated by a line of informational buoys, shall be operated as follows:
- (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (16) Vessels being operated on Old Hickory Lake within the area adjacent to the Station Camp Access located in West Fork Station Camp Creek in Sumner County, as delineated by a line of informational buoys, shall be operated as follows:
- (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (17) Vessels being operated on Old Hickory Lake within the area, adjacent to the Bull Creek Access in Sumner County near River Mile 239.6, as delineated by a line of informational buoys, shall be operated as follows:
- (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (18) Vessels being operated on Old Hickory Lake within the area adjacent to the Lone Branch Access located in Cedar Creek in Wilson County, as delineated by a line of informational buoys, shall be operated as follows:
- (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (19) Vessels being operated on Old Hickory Lake within the area adjacent to the Cedar Creek Campground Access located in Cedar Creek in Wilson County as delineated by a line of informational buoys shall be operated as follows:
- (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
  - (c) Vessels are prohibited in the swimming area.
- (20) Vessels being operated on Old Hickory Lake within the area adjacent to the Burton Road Access located in Spencer Creek in Wilson County, as delineated by a line of informational buoys, shall be operated as follows:
- (a) Motorboats shall operate at a "Slow-No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.

*Authority: T.C.A. §69-9-209. Administrative History: Original rule certified May 8, 1974. Amendment filed May 28, 1975; effective June 28, 1997. Amendment filed February 6, 1978; effective March 8, 1978. Amendment filed July 2, 1979; effective August 16, 1979. Amendment filed August 1, 1990; effective September 15, 1990.*

#### Amendment

1660-02-07-.06 PICKWICK LAKE is hereby amended by adding inner tube as a prohibited device and language changes for consistency. The amended rule shall read as follows:

- (1) Vessels being operated on Pickwick Lake within the Winn Springs Cove area, as delineated by a line of informational buoys, near River Mile 214 in Hardin County, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (2) Vessels being operated within Slate Rock Creek, Sulphur Creek, and Caney Creek, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- ~~(2) Motorboats shall not tow a person on water skis, surfboard, or similar devices within Slate Rock Creek.~~
- ~~(3) Motorboats shall operate at a "Slow—No Wake" speed within Sulphur Creek, Caney Creek and Slate Rock Creek.~~

*Authority: T.C.A. §§70-1-206 and 69-10-209. Administrative History: Original rule certified May 8, 1974. Amendment filed May 28, 1975; effective June 28, 1975. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed October 4, 1989; effective November 18, 1989.*

#### Amendment

1660-02-07-.07 CENTER HILL LAKE. is hereby amended by adding inner tube as a prohibited device and language changes for consistency. The amended rule shall read as follows:

- (1) Vessels being operated on Center Hill Reservoir within the Floating Mill Park Recreation Area as delineated by a line of informational buoys shall be operated, as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - ~~(b) The use of water skis, surfboards or similar devices is prohibited.~~
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar device.
- (2) Vessels being operated on Center Hill Lake within the area adjacent to Sand Beach, Rock Island State Park, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar device.
- (3) Vessels being operated on Center Hill Lake within the Ragland Bottom, Johnson Chapel, and Hurricane Bridge Recreation Areas, as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar device.

*Authority: T.C.A. §70-1-206 and 69-9-209. Administrative History. Original rule certified May 8, 1974. Amendment filed July 9, 1978; effective July 10, 1978. Amendment filed October 4, 1989; effective November 18, 1989.*

#### Amendment

1660-02-07-.09 WATAUGA LAKE is hereby amended by deleting one zone where an access area is no longer used and adding inner tube as a prohibited device. The amended rule shall read as follows:

- (1) ~~Vessels operated on Watauga Lake at Watauga Point Recreational Area (WRM 40.1L) and Watauga Dam Reservational Ramp (WRM 37.5R), as delineated by a line of informational buoys, shall be operated as follows:~~
  - (a) ~~Motorboats shall operate at a "Slow—No Wake" speed.~~
  - (b) ~~Motorboats shall not tow a person on water skis, surfboard, or similar devices.~~
- (1)(2) All vessels are prohibited from U.S. Forest Service Watauga Point Recreation Swim Area (WRM 40.1L) and U.S. Forest Service Shook Branch Swim Area (WRM 37L) as delineated by line of "No Boating" buoys.
- (2) (3) Vessels being operated on Watauga Reservoir at U. S. Forest Service's Rat Branch Boat Ramp (WRM 37.0L) as delineated by a line of informational buoys, shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar device.

*Authority: T.C.A. §§69-9-209 and 70-1-206. Administrative History: Original rule certified May 8, 1974. Amendment filed October 21, 1991; effective December 5, 1991. Amendment filed August 10, 1995; effective October 24, 1995. Amendment filed January 5, 2001; effective March 22, 2001.*

#### Amendment

1660-02-07-.10 TIMS FORD LAKE is hereby amended by adding inner tube as a prohibited device and language changes for consistency. One zone was deleted. The amended rule shall read as follows:

- (1) Vessels being operated on Tims Ford Lake within a portion of Hasty Hollow Cove and Tennessee Elk River Development Association's Campground Cove (River Mile 153) as delineated by a line of informational buoys shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow—No Wake" speed.
  - (b) ~~The use of~~ Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (2) Vessels being operated within Travis Hollow at River Mile 140 on Tims Ford Reservoir, shall be operated as follows: ~~operate at a "Slow—No Wake" speed.~~
  - (a) Motorboats shall operate at a "Slow – No Wake" Speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (3) Vessels being operated in an area delineated by signs and/or buoys near the mouth of Rock Creek and Elk River Mile 162 shall be operated as follows: ~~operate at a "Slow—No Wake" speed; The use of~~
  - (a) Motorboats shall operate at a "Slow – No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices within the "Slow—No Wake" area.

- (4) ~~Vessels are prohibited in the swimming area near Holiday marina which is delineated by information buoys and wholly surrounded by the Marina "No—Wake Zones."~~
- (4) (5) Vessels are prohibited in the swimming area located in the Dry Creek embayment adjacent to the Highway 50 bridge.
- (5) (6) Vessels being operated on Tims Ford Lake in the Dry Creek section which is located adjacent to State Highway 50 in Franklin County and delineated by informational buoys shall be operated as follows:
- (a) Motorboats shall operate at a 'Slow—No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar device.
- (6) (7) Vessels being operated on Tims Ford Lake in Boiling Fork Creek near the State Highway 130 bridge as delineated by signs and/or buoys shall be operated as follows:
- (a) Vessels shall operate at a "Slow—No Wake" speed.
  - (b) ~~The use of~~ Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (7) (8) Vessels being operated in the area delineated by signs and/or buoys at the Tims Ford Reservation access ramp, Elk River mile 133.6L shall operate ~~at a "Slow No Wake" speed.~~ as follows:
- (a) Vessels shall operate at a "Slow - No Wake" speed
  - (b) ~~The use of~~ Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices within the "Slow—No Wake" area.

*Authority: T.C.A. §§69-9-209 and 70-1-206. Administrative History. Original rule certified May 8, 1974. Amendment filed November 4, 1976; effective December 4, 1976. Amendment filed June 9, 1978; effective July 10, 1978. Amendment filed June 11, 1981; effective July 27, 1981. Amendment filed July 12, 1985; effective August 11, 1985. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed August 29, 1990; effective October 13, 1990. Amendment filed August 9, 1993; effective October 23, 1993. Amendment filed March 10, 1995; effective May 24, 1995.*

#### Amendment

1660-02-07-.11 SPECIAL AREAS is hereby amended by adding prohibited devices on Great Falls Reservoir and spelling corrections. The amended rule reads as follows:

- (1) All motorboats being operated within 300 feet of a commercial dock or marina shall be operated at a "slow, no-wake speed" unless otherwise marked and approved under 1660-2-6-.01, or a specific rule and regulation.
  - (a) The measurement shall be made from the last structure associated with the dock or marina except as noted above.
  - (b) For this rule, a commercial marina is defined as any permanent facility accessible by boat which:
    - 1. offers goods or services to the general public in exchange for currency or other consideration.
    - 2. has a valid business license, if required, and a Tennessee Tax Identification number.

3. is permitted by the U.S. Corps of Engineers, and the Tennessee Valley Authority if applicable, as a commercial boat dock or marina.
- (2) No person shall operate or use any vessel, within the area designated and appropriately marked as a hazardous area, below any dam and/or lock unless each person aboard is wearing a U. S. Coast Guard approved flotation device, Type I, Type II, Type III or Type V.
  - (a) This regulation is not intended to affect regulations promulgated by other governmental agencies, federal or state, related to activities that may or may not be conducted within said hazardous area.
- (3) Vessels being operated within 300 yards of the Tennessee Wildlife Resources Agency access ramp on Indian Creek will be operated at a "Slow—No Wake" speed.
- (4) Vessels being operated on Deer Creek located at River Mile 125 on Kentucky Lake shall operate at a "Slow—No Wake" speed within the embayment area.
- (5) ~~Water skiing is prohibited~~ Motorboats being operated on Great Falls Reservoir in the Rocky River Embayment from its mouth upstream to ~~Blanks Bridge~~ shall not tow a person on water skis, surfboard, inner tube or similar device.
- (6) Vessels being operated on Crooked Creek located at River Mile 121.5 on Kentucky Lake shall operate at a "Slow—No Wake" speed from the mouth of the Tennessee River to the Crooked Creek embayment.
- (7) Vessels being operated within the buoyed area in Eagle Creek located at river mile 1 on the Big Sandy River, from a point east of Big Eagle picnic area, west to the west boundary of Buchanan's boat dock, shall operate at a "Slow—No Wake" speed.

*Authority: T.C.A. §§70-1-206 and 69-9-209. Administrative History: Original rule certified May 8, 1974. Amendment filed November 20, 1975; effective December 20, 1975. Amendment filed November 4, 1976; effective December 4, 1976. Amendment filed June 8, 1977; effective July 8, 1977. Amendment filed February 6, 1978; effective March 8, 1978. Amendment filed April 20, 1988; effective June 4, 1988. Amendment filed June 8, 1989; effective July 23, 1989. Amendment filed January 28, 2002; effective April 13, 2002. Amendment filed April 26, 2004; effective July 10, 2004.*

#### Amendment

1660-02-07-.19 NICKAJACK RESERVOIR is hereby amended by adding prohibited devices. The amended rule shall read as follows:

- (1) All vessels utilizing Nickajack Reservoir in an area around Nickajack Cave Bridge, as delineated by buoys and/or signs, shall operate at a "Slow—No Wake" speed and shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (2) All vessels being operated within the sites delineated by informational buoys and/or signs, described below shall be operated at a "Slow—No Wake" speed and shall not tow a person on water skis, surfboard, inner tube or similar devices.
  - (a) Site #1—Maple View Public Use Area located on the south bank of the reservoir at approximately Tennessee River Mile 425.
  - (b) Site #2—Running Water Bridge under Highway 156 located at approximately Tennessee River Mile 419.5.
  - (c) Site #3—Shellmound Recreation Area beach, boat ramp and pier located on the north bank of the reservoir at approximately Tennessee River Mile 425.5.



- (d) Site #4—Marion County Park boat ramp located between Hwy. 41 and Interstate 24 on the north bank of the reservoir at approximately Tennessee River Mile 429.

*Authority: T.C.A. §§70-1-206 and 69-9-209. . Administrative History: Original rule filed April 9, 1984; effective may 9, 1984. Amendment filed May 11, 1990; effective June 25, 1990.*

#### Amendment

1660-02-07-.25 CHEROKEE RESERVOIR (CHEROKEE DAM) is hereby amended by deleting one zone that is no longer necessary to protect property and by adding inner tube as a prohibited device. The amended rule shall read as follows:

- (1) Vessels being operated on Cherokee Reservoir at Cherokee Dam, within the cove delineated by a line of informational buoys and signs, in Jefferson County, shall operate as follows:
  - (a) Motorboats shall operate at a "Slow—No wake" speed.
  - (b) Motorboats shall not tow persons on water skis, surfboards, inner tube, or similar devices.
- (2) All vessels are prohibited in the TVA Swimming Area at Cherokee Dam Reservation Beach (HRM 53.2L) as delineated by a line of "No Boating" buoys.
- ~~(3) All vessels are prohibited from the Shields Creek Embayment from the U. S. 11 W Highway northward. This area will be delineated by signs and a line of "No Boating" buoys.~~

*Authority: T.C.A. §70-1-206. Administrative History: Original rule filed May 11, 1990; effective June 25, 1990. Amendment filed October 21, 1991; effective December 5, 1991*

#### Amendment

1660-02-07-.26 MELTON HILL RESERVOIR is hereby amended by adding prohibited devices and spelling correction. The amended rule shall read as follows:

- (1) All vessels are prohibited in the TVA Swimming Area at Melton Hill Reservoir Beach (CRM 23.5L) as delineated by a line of "No Boating" buoys.
- (2) Vessels being operated on Melton Hill Lake at Melton Hill Dam Boat Ramp(CRM 23.4L) as delineated by a line of information buoys shall operate as follows:
  - (a) Motorboats shall operate at a "Slow – No Wake" speed
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube or similar devices.
- (3) All vessels are prohibited from Clark Center Recreation Park Swimming Beach (CRM 37.5R) as delineated by a line of "No Boating" buoys.
- (4) Vessels being operated on Melton Hill Reservoir at Clark Center Creation Recreation Park (CRM 37.5R) as delineated by a line of informational buoys or signs, shall operate at a "Slow—No Wake" speed. Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar devices.

*Authority: T.C.A.. §§69-9-209 and 70-1-206. Administrative History: Original rule filed October 21, 1991; effective December 5, 1991. Amendment filed March 10, 1995; effective May 24, 1995.*

## Amendment

1660-02-07-.32 CORDELL HULL LAKE is hereby amended by adding five (5) zones that are currently marked public access areas that were not in the rule. The amended rule reads as follows:

- (1) All motorboats being operated within the ~~sight described below shall be operated at a "Slow—No Wake" speed and shall not tow a person on water skis, surfboard or similar device.~~ 75 feet either side of the bridge on Tennessee State Highway 53 just west of the Jackson-Smith County Line at the mouth of Dillard Creek (a.k.a. Indian Creek), Cumberland River Mile (CRM) 331.5 as designated by a line of buoys shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow- No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar device.
- (2) Vessels being operated near the cove adjacent to the Defeated Creek Campground which is located near the mouth of Defeated Creek on Cordell Hull Reservoir and delineated by a line of informational buoys at CRM 316.8 shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow- No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar device.
- (3) Vessels being operated near the area known as Defeated Creek Day Use area and ramp as delineated by a line of informational buoys located at Defeated Creek River Mile (DCRM) 2.0 shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow- No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar device.
- (4) Vessels being operated near the Indian Creek Campground and ramp located 1.5 miles upstream from the Hwy 53 bridge as delineated by a line of informational buoys shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow- No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar device.
- (5) Vessels being operated near the Salt Lick Campground located approximately 1.0 mile upstream from the confluence of Salt Lick Creek and Cumberland River, CRM 337.6, and delineated by a line of informational buoys shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow- No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar device.
- (6) Vessels being operated on Cordell Hull Lake in the portion of Flynn's Lick Creek adjacent to Camp Discovery as delineated by a line of buoys shall be operated as follows:
  - (a) Motorboats shall operate at a "Slow- No Wake" speed.
  - (b) Motorboats shall not tow a person on water skis, surfboard, inner tube, or similar device.

Authority: T.C.A. §§70-1-206 and 69-9-209. Administrative History: Original rule filed April 29, 1996; effective July 8, 1996.

Amendment

1660-02-07-.35 WOLF RIVER EMBAYMENT (Mud Island Harbor) is hereby amended by a name change and adding prohibited devices. The amended rule reads as follows:

- (1) All vessels operating in that portion of the Wolf River from the mouth (WRM 0) upstream to the Interstate 40 bridge, as delineated by signs or buoys, shall operate at a "slow, no-wake speed" and shall not tow a person on water skis, surfboard, inner tube or similar devices.

Authority: T.C.A. Sections 70-1-206 and 69-9-209. Administrative History: Original rule filed January 5, 2001; effective March 22, 2001.

\* If a roll-call vote was necessary, the vote by the Commission on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent
William L. Brown				
Jim Bledsoe				
Harold Cannon				
Bill Cox				
Jeffrey H. Griggs				
Jeff McMillin				
Tom Rice				
Jim Ripley				
Julie Schuster				
Clayton Stout				
James Stroud				
Trey Teague				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish and Wildlife Commission on \_\_\_\_\_ (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: \_\_\_\_\_ (mm/dd/yy)

Rulemaking Hearing(s) Conducted on: (add more dates). \_\_\_\_\_ (mm/dd/yy)

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: 5-5-15

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

\_\_\_\_\_  
Robert E. Cooper, Jr.  
Attorney General and Reporter

\_\_\_\_\_  
Date

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

Effective on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State

## Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

RULE: 1660-.02-.07

New	_____
Amendment	<u>  X  </u>
Repeal	<u>  X  </u>

- 
- ☐ There were no public comments to the above-described rule.
- ☐ Attached hereto are the responses to public comments.

## Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule;

The Commission does not anticipate significant impact to small businesses in Tennessee.

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

The Commission anticipates no record keeping associated with this rule.

(3) A statement of the probable effect on impacted small businesses and consumers;

The Commission anticipates no probable effect to small businesses.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business;

The Commission is unaware of alternatives to the proposed rule and does not believe the rule as proposed would be burdensome to small businesses.

(5) A comparison of the proposed rule with any federal or state counterparts; and

The Commission is unaware of federal or state counterparts to this rule.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

The Commission anticipates no probable effect to small businesses and exemptions to this rule would likely not be beneficial.

## **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

Will passage of this rule have a projected financial impact on local governments?

The Commission is not aware of any projected financial impacts on local governments.

Please describe the increase in expenditures or decrease in revenues:

## **Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The rule updates changes in no-wake zones relative to vessel operations that have occurred since the rule was last amended. Some zones have been added to the rule that are public facilities and have been previously marked by buoys or signs by the U.S. Army Corps of engineers. Some zones were deleted that are no longer necessary to protect property. Language was added to some zones to make them more consistent within the body of water.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

TCA §69-9-209 grants authority to the Tennessee Fish and Wildlife Commission (TFWC) to promulgate rules and regulations governing the operations of vessels.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Persons operating vessels in the zoned areas will be most affected. These areas are already marked as zones and minor changes are being made to some of the zones, so they should be affected only minimally.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

We are not aware of any opinions of the attorney general or any judicial ruling that directly relate to this rule.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The impact to state government revenues and expenditures is minimal.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Glenn Moates, Assistant Chief of Boating and Law Enforcement Division, possesses substantial knowledge and understanding of this rule. Glenn.Moates@tn.gov

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Nat Johnson, TWRA Assistant Executive Director, will explain the rule at the scheduled meeting of the Government Operations Committee.

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Nat Johnson, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 781-6555, Nat.Johnson@tn.gov



(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

There was a need to make "housekeeping" corrections to the rule.